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ORDINANCE NO. _____ (NEW SERIES)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO APPLICABILITY OF THE ORDINANCE, DEFINITIONS, CIVIC AND COMMERCIAL USE REGULATIONS, PROCEDURES AND OTHER MISCELLANEOUS TOPICS.

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending various sections regarding applicability of the ordinance, definitions, certain civic and commercial use regulations, animals, temporary uses, accessory uses and procedures. In addition, the Board finds that other miscellaneous sections should be amended to clarify or correct language in the sections. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. The Table of Contents of the Zoning Ordinance is amended to read as follows:

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Section 3. Section 1006 of the Zoning Ordinance is amended to read as follows:

1006 APPLICABILITY OF THE ZONING ORDINANCE.

- a. The Zoning Ordinance shall be applicable to all of the unincorporated areas of San Diego County. The use and employment of all land and any buildings or structures located upon the land and the construction, reconstruction, alteration, expansion, or relocation of any building or structure upon the land shall conform to all regulations applicable to the zone in which the land is located. No land, building, structure or premises shall be used for any purpose or in any manner other than is permitted in the zone in which such land, building, structure or premise is located.
- b. The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County Parks.
- c. The Zoning Ordinance shall not apply to Indian Reservation lands within the County of San Diego. Such lands are defined as those parcels which are identified as Indian Reservation lands by an Act of the United States Congress.
- d. The Zoning Ordinance shall not apply to federally-owned public lands within the County of San Diego. Such lands are defined as those parcels which are identified as federally-owned public lands by the San Diego County Assessor.
- e. The Zoning Ordinance shall not apply to solid waste management projects undertaken by the County on County-owned land- and the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, shall not apply to the development of the following uses on County-owned solid waste sites and associated buffer properties which would otherwise require a discretionary permit: photovoltaic solar energy systems; resource conversion projects using landfill gases to produce energy or other products; above ground wireless telecommunication facilities; or storage of operable vehicles and equipment; provided:
 1. Any proposed lease (and associated environmental documents) for the use of any County-owned solid waste sites and associated buffer properties to a non-County entity for a use specified in this subsection shall be reviewed by the Director prior to final lease approval by the Department of General Services. All proposed uses (including potential future uses) of the leased property shall be specifically listed in the lease. Any uses that are not specifically listed in the lease shall be subject to the Administrative Permit Procedure at Section 7050 and following, the Site Plan Review Procedure at Section 7150 and following, and the Use Permit Procedure at Section 7350 and following, unless a new or revised lease is reviewed by the Director and approved by the Department of General Services.
 2. All proposed uses shall conform to all other applicable regulations, performance standards and design standards of the Zoning Ordinance.

- f. The Zoning Ordinance shall not apply to the Departments of the County of San Diego during, immediately following or throughout the recovery efforts authorized by the County, related to an emergency declared by the Governor of the State of California or the Board of Supervisors of the County of San Diego.

Section 4. Section 1110 DEFINITIONS (C) of the Zoning Ordinance is amended to add the term “Crawl Space” in its appropriate alphabetical location to read as follows:

Crawl Space: Any unfinished accessible space, located below the first floor of a structure, which has non-excavated, natural grade with no slab; normally enclosed by a foundation wall which is intended to provide sufficient access to otherwise concealed ductwork, piping or wiring. Any such area that is designated, arranged or built as to be used for business, storage, or habitation shall not be considered crawl space and shall be counted as storage area and/or habitable space and shall be designed to meet all requirements of storage areas or habitable space.

Section 5. Section 1110 DEFINITIONS (D) of the Zoning Ordinance is amended to repeal the term “Drug Paraphernalia”.

~~Drug Paraphernalia: The equipment, products and materials set forth in subdivision (d) of Section 11364.5 of the California Health and Safety Code.~~

Section 6. Section 1110 DEFINITIONS (I) of the Zoning Ordinance is amended to add the term “Inoperative or Wrecked Motor Vehicles, Storage of” in its appropriate alphabetical location to read as follows:

Inoperative or Wrecked Motor Vehicles, Storage of: (See Storage of Inoperative or Wrecked Motor Vehicles)

Section 7. Section 1110 DEFINITIONS (P) of the Zoning Ordinance is amended to amend the term “Premises” to read as follows:

~~Premises: An area of land with its appurtenances and buildings which because of its unity of use may be regarded as the smallest conveyable unit.~~ Any building, structure, place, lot or parcel of land or any number of contiguous lots or parcels of land, in the possession or control of any person or in the joint or common possession or control of more than one person.

Section 8. Section 1110 DEFINITIONS (S) of the Zoning Ordinance is amended to add the terms “School, Trade”, “School, Vocational”, “Storage of Inoperative or Wrecked Motor Vehicles”, “Story, Attic” and to amend the terms “School”, “Storage of Nonoperating Vehicles” and “Story”, inserted into the appropriate alphabetical locations to read as follows:

School: An institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a kindergarten, elementary school, junior high school, senior high school, or any special institution of learning under the jurisdiction of the State Department of Education, but does not include a trade, vocational or professional institution or an institution of higher education, including a community or junior college, college or university.

School, Trade: A facility that provides instruction and practical training in skilled trades or labor on a post-secondary level, including but not limited to construction; truck driving; mechanics; heavy equipment operation; and similar technical schools that are not subject to the standards set by the State Board of Education and not otherwise defined as a college. This use shall be considered Major Impact Service and Utilities use type when any instruction or training is conducted outside of an enclosed building, regardless of the number of students.

School, Vocational: An institution of learning, other than a college, which provides specific job or vocation related training to be pursued as a career, including art, barber/beauty, business, fashion design, language, nursing, or other certification or degree programs, which are conducted entirely within an enclosed building.

Storage of Inoperative or Wrecked Motor Vehicles: Storage of inoperative or wrecked motor vehicles shall only be allowed as long as there are no more than two inoperative or wrecked motor vehicles (as those terms are defined in section 21.602 of the County Code) on a parcel or property made up of one or more contiguous parcels, the vehicles are not being stored contrary to section 78.104 of the County Code and no owner or occupant of the property is operating a motor vehicle wrecking yard, as that term is defined in section 21.602(f) of the County Code. This limitation of the number of vehicles shall not apply to the storage of vehicles pursuant to Section 1430(i).

Storage of Nonoperating Vehicles: A nonoperating vehicle means a vehicle that may be capable of operating under its own power but is being stored at a licensed storage yard and is not in the possession of the registered owner. ~~The sStorage of nonoperating motor vehicles shall not include automobile wrecking. The presence on any lot or parcel of land of 5 or more motor vehicles which for a period exceeding 30 days have not been capable of operating under their own power, and from which no parts have been or are to be removed for reuse or sale shall constitute prima facie evidence of the storage of nonoperating motor vehicles.~~

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above (see "Attic Story" and "Crawl Space"). The maximum height of a story between floors shall be 14 feet. If the finished floor level directly above a basement, cellar, or unused under-floor space is more than 6 feet above the adjacent elevation for more than 50 percent of the total perimeter or is more than 12 feet above the adjacent elevation at any point, such basement, cellar or unused under-floor space shall be considered as a story. The total perimeter shall be measured along the outer limits of the area of the floor level in question. The adjacent elevation shall be grade as defined herein but shall not include fill material that has been mounded or placed for landscaping, thermal insulation, sound attenuation or for any other purpose if such mounding or placement would allow additional floor levels or building heights greater than otherwise permitted.

Story, Attic: (See Attic Story)

Section 9. Section 1110 DEFINITIONS (T) of the Zoning Ordinance is amended to add the term “Trade School” inserted into the appropriate alphabetical location to read as follows:

Trade School: (See School, Trade)

Section 10. Section 1110 DEFINITIONS (V) of the Zoning Ordinance is amended to add the term “Vocational School” inserted into the appropriate alphabetical location to read as follows:

Vocational School: (See School, Vocational)

Section 11. Section 1205 of the Zoning Ordinance is amended to read as follows:

1205 LISTING OF USE CLASSIFICATIONS.

All uses are hereby classified into the following use types, which are described in Section 1250 through Section 1899, inclusive. See Section 1215 for classification of combinations of uses resembling different types. The names of these use types start with capital letters throughout the Zoning Ordinance.

[a. and b. no changes]

c. Commercial Use Types.

- Administrative and Professional Services
- Adult Entertainment Establishments
- Agricultural and Horticultural Sales: Agricultural
- Agricultural and Horticultural Sales: Horticultural
- Agricultural Services
- Animal Sales and Services: Auctioning
- Animal Sales and Services: Grooming
- Animal Sales and Services: Horse Stables
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- Animal Sales and Services: Stockyards
- Animal Sales and Services: Veterinary (Large Animals)
- Animal Sales and Services: Veterinary (Small Animals)
- Automotive and Equipment: Cleaning
- Automotive and Equipment: Fleet Storage
- Automotive and Equipment: Parking
- Automotive and Equipment: Repairs, Heavy Equipment
- Automotive and Equipment: Repairs, Light Equipment
- Automotive and Equipment: Sales/Rentals, Farm Equipment
- Automotive and Equipment: Sales/Rentals, Heavy Equipment
- Automotive and Equipment: Sales/Rentals, Light Equipment

Automotive and Equipment: Storage, Nonoperating Vehicles
 Automotive and Equipment: Storage, Recreational Vehicles and Boats
 Building Maintenance Services
 Business Equipment Sales and Services
 Business Support Services
 Communications Services
 Construction Sales and Services
 Convenience Sales and Personal Services
 Cottage Industries
~~Drug Paraphernalia Establishment~~
 Eating and Drinking Establishments
 Explosive Storage
 Financial, Insurance and Real Estate Services
 Food and Beverage Retail Sales
 Funeral and Interment Services: Cremating
 Funeral and Interment Services: Interring
 Funeral and Interment Services: Undertaking
 Gasoline Sales
 Laundry Services
 Medical Services
 Participant Sports and Recreation: Indoor
 Participant Sports and Recreation: Outdoor
 Personal Services, General
 Recycling Collection Facility: Small
 Recycling Collection Facility: Large
 Recycling Processing Facility: Light
 Recycling Processing Facility: Heavy
 Recycling Processing Facility: Wood and Green Materials
 Repair Services, Consumer
 Research Services
 Retail Sales: General
 Retail Sales: Specialty
 Scrap Operations
 Spectator Sports and Entertainment: Limited
 Spectator Sports and Entertainment: General
 Swap Meets
 Transient Habitation: Campground
 Transient Habitation: Lodging
 Transient Habitation: Resort
 Transient Habitation: Rental Units
 Wholesaling, Storage and Distribution: Mini-Warehouses
 Wholesaling, Storage and Distribution: Light
 Wholesaling, Storage and Distribution: Heavy

d. [no changes]

e. Agricultural Use Types.

Horticulture: Cultivation

Horticulture: Storage
 Tree Crops
 Row and Field Crops
 Animal Raising
 Animal Waste Processing
 Packing and Processing: Limited
 Packing and Processing: General
 Packing and Processing: Support
 Packing and Processing: Winery
 Packing and Processing: Small Winery
 Packing and Processing: Boutique Winery
 Packing and Processing: Wholesale Limited Winery
 Agricultural Equipment Storage
Farm Labor Camp

Section 12. Section 1350 of the Zoning Ordinance is amended to read as follows:

1350 MAJOR IMPACT SERVICES AND UTILITIES.

The Major Impact Services and Utilities use type refers to public or private services and utilities which have substantial impact. Such uses may be conditionally permitted in any zone when the public interest supersedes the usual limitations placed on land use and transcends the usual restraints of zoning for reasons of necessary location and community wide interest. Typical places or uses are schools, sanitary landfills, public and private airports, public park/ playground/recreational areas (other than public passive park/recreational areas), hospitals, psychiatric facilities, cemeteries, nursing homes, ~~or~~ detention and correction institutions, trade schools (with outdoor training facilities), security or paramilitary type training facilities, or field medical training uses.

Section 13. Section 1375 of the Zoning Ordinance is amended to read as follows:

1375 SMALL SCHOOLS.

The Small Schools use type refers to the education of 7 or more ~~(but not more than 50)~~ children, adults, elderly persons, or handicapped persons at one time (but not more than 50), but excluding overnight care or uses classified as Group Care or Major Impact Services and Utilities. Typical uses include day care facilities for the elderly and schools for not more than 50 children or adults.

Section 14. Section 1430 of the Zoning Ordinance is amended to read as follows:

1430 AUTOMOTIVE AND EQUIPMENT.

Automotive and equipment refers to establishments or places of business primarily engaged in automotive related or heavy equipment sales or service. The following are automotive and equipment use types:

- a. Automotive and Equipment: Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.

- b. Automotive and Equipment: Fleet Storage. Storage or parking of one or more vehicles used regularly in business operations. Excluded from this use type are Automotive and Equipment: Sales/Rentals, (all types); and the incidental parking of vehicles as an accessory use to a permitted use on the same premises. Typical uses include taxi fleets, mobile catering truck storage or delivery truck fleets.
- c. Automotive and Equipment: Parking. Parking of motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or garages.
- d. Automotive and Equipment: Repairs, Heavy Equipment. Repair of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc., as well as the sale, installation and servicing of automotive equipment and parts together with body repairs, painting and steam cleaning. Typical uses include truck transmission shops, body shops or motor freight maintenance groups.
- e. Automotive and Equipment: Repairs, Light Equipment. Repair of automobiles and the sale, installation and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto repair garages or auto glass shops.
- f. Automotive and Equipment: Sales/Rentals, Heavy Equipment. Sale, retail or wholesale and/or rental from the premises of heavy construction equipment, trucks and aircraft together with incidental maintenance. Typical uses include aircraft dealers, boat dealers, or heavy construction equipment dealers.
- g. Automotive and Equipment: Sales/Rentals, Farm Equipment. Sale, retail or wholesale and/or rental from the premises of farm equipment together with incidental maintenance. Typical uses include farm equipment dealers.
- h. Automotive and Equipment: Sales/Rentals, Light Equipment. Sales, retail or wholesale and/or rental from the premises of autos, noncommercial trucks, motorcycles, motorhomes and trailers together with incidental maintenance. When used in this section noncommercial trucks shall mean vehicles that are not used for business purposes, e.g., trucks rented for moving household furnishings and driven by the owner of the items being moved. Typical uses include automobile dealers, car rental agencies or recreational vehicles sales and rental agencies.
- i. Automotive and Equipment: Storage, Nonoperating Vehicles. Storage of nonoperating or impounded motor vehicles, but not a junkyard or motor vehicle wrecking yard (as defined by Section 21.602 of the County Code). Typical uses include storage of private parking towaways or impound yards. (Also see Section 21.607 of the County Code for regulations).
- j. Automotive and Equipment: Storage, Recreational Vehicles and Boats. Storage of Recreational Vehicles and Boats. Typical uses include the collective storage of personal recreational vehicles or boats.

Section 15. Section 1464 of the Zoning Ordinance is repealed.

~~1464 DRUG PARAPHERNALIA ESTABLISHMENT.~~

~~A place of business in which drug paraphernalia, as defined in Subdivision (d) of Section 11364.5 of the California Health and Safety Code, is kept, displayed or offered in any manner, sold, furnished, transferred or given away.~~

Section 16. Section 1505 of the Zoning Ordinance is amended to read as follows:

1505 PARTICIPANT SPORTS AND RECREATION.

Participant Sports and Recreation refers to establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types:

- a. Participant Sports and Recreation: Indoor. Those uses conducted within an enclosed building. Typical uses include bowling alleys or billiard parlors.
- b. Participant Sports and Recreation: Outdoor. Those uses conducted in open facilities. Typical uses include driving ranges or miniature golf courses, athletic facilities, carnival facilities, sports fields, health clubs and spas, swimming beaches, swimming pools, outdoor wedding facilities and nudist facilities.

Section 17. Section 1510 of the Zoning Ordinance is amended to read as follows:

1510 PERSONAL SERVICES, GENERAL.

The Personal Services, General use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature but excludes services classified a Spectator Sports and Entertainment, Participant Sports and Recreation, or Transient Habitation. Typical uses include art studios, barber shops, beauty salons, photography studios, massage parlors, driving-vocational schools, trade schools, dance studios or reducing salons.

Section 18. Section 1513 of the Zoning Ordinance is amended to read as follows:

1513 RECYCLING PROCESSING FACILITY

The Recycling Processing Facility use type refers to establishments or places primarily engaged in processing recyclable materials for the purpose of resource recovery. Processing means the preparation of materials by one or more of the following means: baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding and cleaning. Recycling processing facilities include the following:

- a. Recycling Processing Facility, Light: A light processing facility is limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source separated recyclable materials and repairing of reusable products sufficient to qualify as a certified

recycling facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.

- b. Recycling Processing Facility, Heavy: Any facility, other than a light recycling processing facility or scrap operation for processing of recyclable materials.
- c. Recycling Processing Facility, Wood and Green Materials: A facility devoted exclusively to grinding, ~~or shredding, splitting or chopping,~~ (including sawing) of wood and/or green waste.

Section 19. Section 1530 of the Zoning Ordinance is amended to read as follows:

1530 SCRAP OPERATIONS.

The Scrap Operations use type refers to places of business primarily engaged in the storage, dismantling, sorting, baling and crushing for sale of used and discarded products. The Scrap Operations use type does not include a Recycling Processing Facility. Typical Scrap Operations uses include automotive wrecking yards, junk yards or salvage yards. (Also see Section 21.607601 et seq. of the County Code for regulations.)

Section 20. Section 1810 of the Zoning Ordinance is amended to read as follows:

1810 MINING AND PROCESSING.

- a. The Mining and Processing use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and non-metallic minerals, water, oil or gas together with essential on-site processing and production of only non-metallic mineral products. Typical operations include, but are not limited to, mines, borrow pits, sand and gravel plants, oil and gas drilling rigs, groundwater extraction operations which may be a primary or secondary use, and associated on-site processing operations such as concrete batch plants. This use type includes recycling of salvaged concrete, asphalt and rock previously used in construction when sited in conjunction with the following non-metallic mineral processing operations: rock crushing, asphalt pavement production, and concrete batching. ~~Such recycling is not permitted where sand processing is the only processing use occurring.~~
- b. Rock, sand, gravel and soils including products of these materials to be recycled together with organic matter, excluding unprocessed animal waste, may be imported into a mining site for processing when so specified by the use permit conditions. Processing includes crushing, screening, mixing, blending and amending, as well as storage and sale of the final products for use off-site. The soil amendment operation, as defined in this section, shall comply with Section 6318.

Section 21. Section 2363 of the Zoning Ordinance is amended to read as follows:

2363 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C36 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

Agricultural Services "9"

Automotive and Equipment: Repairs, Heavy Equipment "8"

Business Equipment Sales and Services "7"

Construction Sales and Services "8" (see Section 6300)

~~Drug Paraphernalia Establishment "21"~~

Gasoline Sales "12"

Laundry Services "13"

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

Section 22. Section 2373 the Zoning Ordinance is amended to read as follows:

2373 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C37 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

~~Drug Paraphernalia Establishment "21"~~

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

Recycling Processing Facility, Wood and Green Materials "15"

Wholesaling, Storage and Distribution: Light "8"

c. Industrial Use Types.

General Industrial "15"

Section 23. Section 2403 of the Zoning Ordinance is amended to read as follows:

2403 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C40 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

b. Commercial Use Types.

Construction Sales and Services "9"

~~Drug Paraphernalia Establishment "21"~~

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

Recycling Processing Facility, Wood and Green Materials "15"

Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

c. Industrial Use Types.

General Industrial "15"

Section 24. Section 2980 of the Zoning Ordinance is amended to read as follows:

SUPPLEMENTAL LIMITATIONS ON USES.

2980 LIMITATIONS ON PERMITTED USES.

The following limitations apply to the uses indicated by the corresponding number in quotes in the previous sections entitled "Permitted Uses Subject to Limitations."

- "1" Dwellings as Secondary Uses. Limited to dwellings which are secondary uses of a structure, lot or parcel primarily used for business purposes.
- "2" Recycling Collection Facilities shall comply with the applicable provisions of Section 6970.
- "3" Recycling Processing Facilities shall comply with the applicable provisions of Section 6975.
- "4" Secondary Use. Permitted only as a secondary use within a dwelling. No such use shall have a floor area greater than the floor area devoted to residential purposes.
- "5" Same Lot. Permitted only if located on the same lot as the industrial use it serves.
- "6" Veterinary Hospitals. Hospital must be located on a parcel of land not less than 2 acres in size. Indoor treatment areas must be located at least 100 feet from the nearest property line, and out door treatment or confinement areas must be located at least 200 feet from the nearest property line. If a proposed Hospital does not meet any of these requirements it may be allowed upon issuance of a Minor Use Permit.

- "7" Limitation on Enclosed Storage. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building, and the area devoted to storage shall not be greater than the area devoted to sales and administrative offices.
- "8" Enclosed Building. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building.
- "9" Enclosed Building or Walls. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building or inside walls or solid fences not less than 6 feet in height.
- "10" Retail Establishments. Limited to retail establishments intended for the convenience of permitted establishments and/or clients thereof, provided no such retail establishment occupies more than 15 percent of the total floor area of the building in which it is located and has no entrance except from the lobby or interior of said building, or from a patio entirely surrounded by said building.
- "11" Insurance and Real Estate Offices. Limited to insurance and real estate offices as a secondary use within a dwelling. No such office shall have a floor area greater than the floor area devoted to residential purposes.
- "12" Gasoline Sales. There shall be no open storage of goods or materials, and all repair and lubrication services shall take place in an enclosed building.
- "13" Drycleaning Plants and Laundries. Limited to drycleaning plants and laundries which provide retail services only, use only non-flammable solvents, and employ not more than 10 people.
- "14" Performance Standards. Subject to meeting the applicable provisions of the performance standards specified in Section 6300.
- "15" Performance Standards and Power. Subject to meeting the applicable provisions of the performance standards specified in Section 6300. Prior to the installation or operation of electric or other power sources in excess of 20 horsepower, the proposed use shall be reviewed pursuant to Section 6304 and the Director shall certify that the use complies with the applicable performance standards.
- "16" Animal Related Activities. Animal related activities may be permitted subject to the Animal Regulations commencing at Section 3000.
- "17" Cottage Industries. Permitted subject to the provisions of Section 6920.
- "18" Mobilehome Residential. Subject to the Mobilehome Park Regulations commencing at Section 6500 or the Planned Development Standards commencing at Section 6600.
- "19" Adult Entertainment Establishments. Subject to meeting the applicable provisions of the regulations and performance standards specified in Section 6930 and upon issuance of an Administrative Permit as specified in Section 6930.

"20" Secondary Use: On building sites 5 acres or less in size, the use shall be restricted to locations above the first story of a building or buildings the first story of which is reserved for permitted principal uses. On building sites larger than 5 acres, the use may, as an alternate to the foregoing, be located in a building or buildings intended and located solely for secondary uses provided that not less than 50 percent of the site area is devoted exclusively to permitted principal uses.

"21" ~~Drug Paraphernalia Establishments. Subject to meeting the applicable provisions of the standards specified in Section 6932 and upon issuance by the Director of an Administrative Permit. Repealed.~~

"22" Small, Boutique and Wholesale Limited Wineries. Allowed subject to the provisions of Section 6910.

Section 25. Section 2990 USE MATRIX page 3 and page 6 of the Zoning Ordinance are amended to read as follows:

(changes to page 3 [deleting 1464: Drug Paraphernalia Establishment from use matrix]).

(changes to page 6 [correcting 1735(d), (e), (f) & (g) Wineries pursuant to Ord. No. 10067, adopted 8/4/2010]).

ANIMAL USE TYPE (See Note 4)	Restrictions and Density Range	DESIGNATOR																								
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	
Chinchillas (See Note 5)	MUP required												X													
(c) Large Animal Raising (Other than horsekeeping)	4 acres + permitted															X								X		
	8 acres + permitted							X	X	X																
	2 animals plus 1 per ½ acre over 1 acre				X	X	X																		X	
	4 animals plus 4 for each ½ acre over ½ acre							X	X	X																
	1 ½ acres or less: 2 animals											X	X	X	X	X								X		
	1 ½ to 4 acres: 1 per ½ acre											X	X	X	X	X								X		
	4 acres+, 8 animals + 1 cow or sheep animal per 1 acre over 4 acres											X	X	X	X											
	2 animals										X						X	X	X				X		X	
	4 acres plus by MUP											X			X											
	½ acre plus 2 animals per ½ acre by ZAP	X	X	X																					X	
	Grazing Only																				X	X				
(d) Horse keeping (other than Animal Sales and Services: Horse Stables)	Permitted							X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X	
	2 horses + 1 per ½ acre over 1 acre				X	X	X																			
	ZAP required				X	X	X																			
	½ acre plus by ZAP	X	X	X																						
(e) Specialty Animal Raising: Bees (See Title 6, Division 2, Chapter 9, County Code) (See Note 7)	Permitted				X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
	ZAP Required	X	X	X																						
(f) Specialty Animal Raising: Wild or Undomesticated (See Note 3)	ZAP Required				X	X	X	X	X	X			X	X	X	X	X			X	X	X		X		
(g) Specialty Animal Raising: Other (Excluding Birds)	25 maximum				X	X	X				X	X	X				X	X	X	X	X		X		X	
	25 maximum by ZAP	X	X	X																						
	25 plus by ZAP				X	X	X				X	X	X	X			X			X	X	X	X		X	
	Permitted							X	X	X					X	X								X		
(h) Specialty Animal Raising: Birds	25 maximum				X	X	X						X					X	X	X	X	X				
	100 maximum							X	X	X	X	X					X						X			
	Additional by ZAP	X	X	X				X	X	X	X	X	X				X					X	X			
	Permitted														X	X	X							X	X	
(i) Racing Pigeons	100 Maximum										X	X											X			
	100 Max 1/acre plus																	X								

ANIMAL USE TYPE (See Note 4)	Restrictions and Density Range	DESIGNATOR																							
		A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
	Permitted												X	X	X	X	X							X	X
ANIMAL ENCLOSURE SETBACKS (See Section 3112)																									
Most Restrictive		X			X			X			X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Moderate			X			X			X																
Least Restrictive				X			X			X															X

MUP = Major Use Permit

+ = plus

ZAP = Minor Use Permit

Notes:

1. Dogs and cats not constituting a kennel and up to two pot-belly pigs are accessory uses subject to the Accessory Use Regulations commencing at Section 6150 and are not subject to the animal enclosure setbacks.
2. On land subject to the "S" and "T" Animal Designators, grazing of horses, bovine animals and sheep permitted provided no buildings, structure, pen or corral shall be designated or used for housing or concentrated feeding of animals, and the number of such animals shall not exceed 1 animal per ½ acre of land.
3. One wild or undomesticated animal, kept or maintained in conformance with State and local requirements, is an accessory use subject to the Accessory Use Regulations commencing at Section 6150, and is not subject to the Animal Schedule. (Amended by Ordinance Number 7432 (N.S.) adopted January 6, 1988.)
4. The Animal Schedule does not apply to small animals, specialty animals, dogs or cats which are kept for sale in zones where the Retail Sales, General Use type is permitted provided that all activities are conducted entirely within an enclosed building, the building is completely soundproof, there are no outside runs or cages, no boarding of animals, no outside trash containers and no offensive odors.
5. Chinchillas are considered small animals except that a MUP may be approved for more than 25 chinchillas on property with the "L" Designator.
6. The number of animals allowed is per legal lot. This number shall not apply to the keeping of earthworms.
7. Beekeeping must be located at least 600 feet from any habitable dwelling unit, other than such dwelling unit owned by the person owning the apiary.

Section 27. Section 4315 of the Zoning Ordinance is amended to read as follows:

4315 ~~EXCEPTIONS TO~~ EXEMPTIONS FROM BUILDING TYPE SCHEDULE.
The following are exempt from provisions of Sections 4310; Building Type Schedule:

- a. Civic Use Types.
- b. Any use or structure for which a use permit is granted.
- c. Accessory Structures.
- d. Temporary structures erected pursuant to the Temporary Use Regulations.
- e. Secondary Uses.

Section 28. Section 4620 of the Zoning Ordinance is amended to read as follows:

4620 ~~PERMITTED EXCEPTIONS TO~~ EXEMPTIONS FROM HEIGHT LIMITS.

The following structures shall be exempt from the maximum height provisions of an applicable height designator:

- a. Radio and television receiving antennas no more than 200 feet in height of the type customarily used for home radio and television receivers.
- b. Transmitting antennas no more than 200 feet in height used by licensed amateur (ham) or citizens band radio operators.
- c. Flagpoles no more than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- d. Signs no more than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Grain elevators, silos, and water tanks, barns, and all other structures functionally used for commercial agriculture, boarding and breeding stables or public stables which are located in agricultural zones or S92 Use Regulations; provided that no such structure shall be more than 50 feet in height.
- f. Chimneys no more than 100 feet in height located in industrial zones; and all other chimneys extending no more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Any structure for which a Major Use Permit is granted pursuant to other provisions of this ordinance, when the Major Use Permit authorizes an exemption to the height regulations.
- h. Any structure used primarily to contain or support an Essential Services or Fire Protection Services use.
- i. A Photovoltaic Solar Energy System extending not more than 5 feet above the highest point of the roof.
- j. Wind turbines, windmills, wind-driven water pumps and appurtenant structures required for the function thereof.
- k. Meteorological Testing (MET) Facility of less than 200 feet in height permitted in accordance with Section 6123.

Section 29. Section 4622 of the Zoning Ordinance is amended to read as follows:

4622 EXCEPTIONS TO HEIGHT LIMITS WITH MINOR USE PERMIT.

Except as otherwise provided by Section 4620, the following structures may be erected and maintained above the maximum height permitted by an applicable height designator upon the issuance of a minor use permit therefore; provided, however, no such structure above such

height limit shall be used for sleeping or eating quarters or for any commercial purpose other than such as may be incidental to the permitted uses of the main building:

- a. Radio and television receiving antennas greater than 200 feet in height of the type customarily used for home radio and television receivers.
- b. Transmitting antennas greater than 200 feet in height used by licensed amateur (ham) radio operators; and all transmitting antennas used by other than licensed amateur (ham) or citizens band radio operators.
- c. Flagpoles greater than 50 feet in height; provided, however, that flagpoles used as signs or attention-attracting devices shall be subject to the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- d. Signs greater than 50 feet in height except as otherwise limited by the Off-Premise Sign Regulations commencing at Section 6200 and the On-Premise Sign Regulations commencing at Section 6250.
- e. Provided the principle use of the property is commercial agriculture, a boarding and breeding stable or a public stable, grain elevators, silos, and water tanks, barns, and all other structures greater than 50 feet in height, and barns and all other structures greater than the permitted height limit of the zone, functionally used for commercial agriculture, a boarding and breeding stable or a public stable, which are located in agricultural zones or S92 Use Regulations; grain elevators, silos, and water tanks not located in agricultural zones or S92 Use Regulations, functionally used for commercial agriculture, boarding and breeding stables or public stables.
- f. Chimneys greater than 100 feet in height located in industrial zones; and all other chimneys extending more than 3 feet above the highest point on the roof of the building to which they are attached.
- g. Towers, gables, spires, steeples, sundecks, scenery lofts, cupolas, and similar structures and necessary mechanical appurtenances; provided, however, that no such structure may extend more than 20 feet above the maximum height specified by the applicable height designator if of combustible materials.
- h. Penthouse; provided, however, that no penthouse shall exceed 28 feet in height above the roof when used as an enclosure for tanks or for elevators which run to the roof and in all other cases shall not extend more than 12 feet in height above the roof; and further provided, however, that the aggregate area of all penthouses and other roof structures shall not exceed 33-1/3 percent of the area of the supporting roof.
- i. A Photovoltaic Solar Energy System.
- j. Wireless Telecommunications Facilities.

Section 30. Section 4815 of the Zoning Ordinance is amended to read as follows:

SUPPLEMENTARY SETBACK REGULATIONS

4815 ~~CENTERLINE ORDINANCE-ADDITIONAL ROAD SETBACKS.~~

~~Notwithstanding the provisions of the setback schedule or any other provisions of the Setback Regulations, In addition to the setback regulations established by the Zoning Ordinance, no all buildings or other structures will be allowed within shall comply with the following special setbacks as established by the Centerline Ordinance (Chapter 3 (commencing at Section 51.504301) of Division 1 of Title 5 through Section 51.512, inclusive, of the San Diego County Code. These special setbacks shall be measured in feet from the centerline of such roads.~~

Use Regulations	Road Classification									
	Residential Collector	Light or Rural Light Collector	Industrial or Commercial Out-of-use	Industrial or Commercial Road	Collector Highway	Industrial or Commercial Collector	Recreational or Rural Mountain Parkway	Major Highway	Prime Arterial	Expressway
R-R, A-70, A-72, S-80, S-87, S-90, and S-92 with a Lot Size Designator of 1 acre or larger	60	60	66	66	72	74	80	79	91	103
Commercial	N/A	36	36	36	42	44	50	49	61	73
Manufacturing/Industrial	N/A	36	36	36	42	44	50	49	61	73
All Other	50	50	56	56	62	64	70	69	81	93

~~These requirements may be modified in accordance with the provision of Section 51.504 of the County Code.~~

Section 31. Section 4841 of the Zoning Ordinance is amended to read as follows:

4841 REQUIRED DISTANCE BETWEEN DETACHED ACCESSORY BUILDINGS AND MAIN BUILDINGS.

No detached accessory building walls shall be closer than 6 feet to any main building walls or other accessory building walls on the same lot or building site and no detached accessory building eaves shall be closer than 4 feet to any main building eaves or other accessory building eaves on the same lot or building site. When the distance between either the walls or the eaves of a detached accessory building and a main building or living unit are less than specified

in this section, the buildings are deemed attached for the purpose of determining setbacks and both must meet the setbacks prescribed for a main building.

Exceptions to this section are:

1. More restrictive separation may be required by the Animal Enclosure Setbacks in Section ~~344.2~~ 3112.
2. There is no prescribed separation between chicken coops.
3. Swimming pools which do not extend more than 3 feet above the ground adjacent thereto.

Section 32. The Scenic Area Regulations, commencing at Section 5200 of the Zoning Ordinance are amended to read as follows:

SCENIC AREA REGULATIONS

5200 TITLE AND PURPOSE.

The provisions of Section 5200 through 5299, inclusive be known as the Scenic Area Regulations. The purpose of these provisions is to regulate development in areas of high scenic value both to assure exclusion of incompatible uses and structures and to preserve and enhance the scenic resources present in adjacent areas. These regulations constitute recognition of important social, recreational, and economic values obtained from preservation and enhancement of the scenic qualities of County areas for the benefit of residents and visitors.

5202 APPLICATION OF THE SCENIC AREA REGULATIONS.

The Scenic Area Regulations shall be applied to areas of unique scenic value including but not limited to scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and to areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks.

5203 DESIGNATED AREA.

The area having unique scenic value and any adjacent areas having significant recreational, historic or scenic resources shall be known as the designated area for purposes of these regulations.

5204 LIMITATION ON USES.

Notwithstanding the provisions of the applicable use regulations and Enclosure Matrix (Section 6816), all Use Regulations shall comply with the enclosure provisions of the Scenic Area Regulations.

5205 SITE PLAN REQUIRED.

No permit of any type shall be issued for any development, nor shall any outdoor commercial or industrial use be established, in areas subject to the Scenic Area Regulations until a Site Plan has been submitted and approved in accordance with the Site Plan Review Procedure

commencing at Section 7150 unless a waiver is granted pursuant to section 5214. The following projects are exempt from the Site Plan requirements of the Scenic Area Regulations:

- a. A one or two family dwelling on a single lot.
- b. Attached accessory ~~buildings~~structures associated with a. above.
- c. Detached accessory ~~buildings~~structures associated with a. above which are both 1,000 square feet or less in area and 12 feet or less in height.
- d. Alterations to the interior of a structure which are not visible from the outside provided that there is no change in use.
- e. Electrical, gas or other utility improvements where no associated discretionary permits are required, provided that any visible portion of such improvement does not exceed 24 inches in any dimension. The Director may require the applicant to submit an affidavit stating that the proposed utility improvement will not serve a use other than those uses presently occurring legally on the site.
- f. Temporary improvements associated with construction activities authorized by building permit. Said improvements shall include, but not be limited to, trailers, fences, and signs which do not require discretionary approval by other applicable sections of The Zoning Ordinance.
- g. Temporary special purpose off-premise signs pursuant to Section 6207.
- h. Exterior alteration or new construction not otherwise exempt under this section, which is not visible from any street, excluding alleys, within the designated scenic area. Eliminating said visibility through screening techniques such as landscape, walls, fences or grading shall not qualify such exterior alterations or new construction for this exemption. The Director shall determine if a project meets this exemption standard and may require any necessary information including drawings, photographs and/or other graphic exhibits.
- i. Small antennas (i.e., satellite earth station receiving antennas or similar antennas for video programming and television signals) exempted by Federal Communications Commission rules from local design review regulations. This exemption applies to antennas that are one meter (39 inches) or less in diameter or diagonal measurement. Such antennas mounted on masts exceeding 12 feet in height are not included in this exemption.

Any decision by the Director to exempt a project pursuant to this section shall be final.

[5206 through 5212 no changes]

5214 WAIVER OF A SITE PLAN

The Site Plan requirement of this section may be waived by the Director under either of the following circumstances:

- a. If it is determined, based upon substantial evidence, that the proposed project is not visible from any scenic highway corridors designated by the San Diego County General Plan, critical viewshed and prime viewshed areas as designated on the Local Coastal Program Land Use Plan, and from any areas adjacent to significant recreational, historic or scenic resources, including but not limited to Federal and State parks and if it is determined that the Site Plan review process would not materially contribute to the attainment of the stated purpose or objectives of the Scenic Area Regulations to the subject property, or that all of the purposes and requirements of the Site Plan have been fulfilled by an existing approved discretionary permit. In making a decision on such a waiver of a Site Plan, the Director shall consider the recommendation of the applicable Community Planning Group or Sponsor Group. Waiver requests shall be transmitted by the Director to the Group using a form approved by the Director for that purpose. If no recommendation is received by the Director from the Group within 45 days following the Group's receipt of the request, the Director may make a decision without the Group's recommendation.
- b. If all of the purposes and requirements of the Site Plan will be fulfilled by a concurrent discretionary permit which will be reviewed by the applicable Community Planning Group or Sponsor Group.

No building permit or grading permit shall be issued for a project for which the Site Plan requirement has been waived except pursuant to plans bearing the Director's stamp granting such waiver. No deviation from aspects of such plans pertinent to the stated purpose or objectives of the Scenic Area Regulations to the subject property shall be permitted without prior recommendation of the appropriate Community Planning or Sponsor Group.

Section 33. Section 5303 of the Zoning Ordinance is amended to read as follows:

5303 ~~EXCEPTIONS~~ **EXEMPTIONS**

The following uses and activities are exempt from the Sensitive Resource Area Regulations:

- a. Minor building permits, such as any of the following:
1. Demolition (except for a significant prehistoric or historic site);
 2. Reinspection;
 3. Plan changes, provided no increase in parking or floor area is involved;
 4. Additions or alterations of not more than 1,000 square feet;
 5. Accessory buildings of not more than 1,000 square feet;
 6. Replacement of existing structures, provided no increase in parking is involved and no more than a 1,000 square foot increase in floor area is involved;
 7. Interior remodels;

8. Residential garage conversions;
9. Fences and free standing walls;
10. Patios, patio covers, decks, balconies and stairs;
11. Electrical, plumbing, gas and mechanical permits;
12. Other minor permits as authorized by the Planning Director.

Section 34. Section 5953 the Zoning Ordinance is amended to read as follows:

5953 ~~EXCEPTIONS~~ **EXEMPTIONS.**

The following uses and activities are exempt, except as otherwise specified, from the provisions of the Coastal Resource Protection Regulations.

- a. Cultivation of land for agricultural purposes that is currently under cultivation, or that is of less than 10% slope and has been impacted by cultivation within the past five years, provided that no such activity shall take place closer than 10 feet from the top or bottom edge of any slope of 25% grade or greater.
- b. Minor excavation or placement of soil materials, not otherwise requiring a grading permit, incidental to the planting of trees and shrubs or the construction of other landscape features, provided that such excavations or placement of soil materials does not in itself alter the general overall topographical configuration of the land and does not take place on slopes of 25% grade or greater.
- c. Minor excavations or placement of soil materials incidental to installation of minor structural features, and the installation of such features, which are customarily accessory to a permitted use and do not otherwise require a grading permit or building permit, provided such excavation, placement of soil materials, or construction does not in itself alter the general topographical configuration of the land and does not take place on slopes of 25% grade or greater.
- d. Except for provisions of Section 5955, the construction of an individual single-family residence on an existing lot which contains no slope or portion of a slope that is more than 10 feet in height and has a grade of 25% or greater.
- e. Except for provisions of Section 5955, the construction of structures and establishment of uses customarily accessory to a legally existing principal use.
- f. Except for provisions of Section 5955, the construction of roads shown on the Circulation Element of the San Diego County General Plan.

Section 35. Section 6102 of the Zoning Ordinance is amended to read as follows:

6102 **IDENTIFICATION OF PERMITTED TEMPORARY USES.**

The following temporary uses shall be permitted as specified by these regulations:

- a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.
- b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.
- c. Civic, Fraternal or Religious Assembly. The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization.
- d. Construction Support. Temporary building and structures supporting residential development and major construction.
- e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.
- f. Travel Trailer Park. The temporary operation of a travel trailer park.
- g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.
- h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.
- i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.
- j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.
- k. Meteorological Testing (MET) Facility. Temporary use of a Meteorological Testing (MET) Facility permitted in accordance with Section 6123.
- l. Temporary Outdoor Sales. Temporary outdoor sales, incidental to the existing commercial uses on a site, in certain commercial or industrial zones.
- m. Commercial Filming. Temporary use of public or private property (not including public road rights-of-way) for commercial motion picture production, television production, still photography and related activities.

Section 36. Section 6106 of the Zoning Ordinance is amended to read as follows:

6106 CIRCUS, CARNIVAL, OR OTHER OUTDOOR ENTERTAINMENT EVENT.
The temporary gathering of people for a circus, carnival, or other outdoor entertainment event may be permitted by the Sheriff pursuant to Title 2, Division 1, Chapter 8 and Chapter 24 of the

County Code through the issuance of a license pursuant to the Uniform Licensing Procedure of the County Code and in compliance with the following provisions:

- a. Location. A circus, carnival or other outdoor entertainment event may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations. Notwithstanding this subsection, a circus, carnival or other public outdoor assembly event may be permitted in any zone, including the RS, RD, RM and RV Use Regulations on properties with a valid Major Use Permit subject to the requirements of this section.
- b. Duration. The period of operation of the circus, carnival or other outdoor entertainment event shall not exceed 5 five consecutive days, no more than six events per year on the same property. Events exceeding these limitations shall be considered Participant Sport and Recreation Use type.
- c. Noticed Hearing Not Required. The Sheriff may issue a license pursuant to this section without notice or public hearing.
- d. Community Events pursuant to Title 2, Division 1, Chapter 2 of the County Code shall be under the authority of the Department of Environmental Health. Community Events may be permitted in any zone except zones subject to the RS, RD, RM, and RV Use Regulations and are permitted on properties with a valid Major Use Permit subject to the Department of Environmental Health requirements.

Section 37. Section 6107 of the Zoning Ordinance is amended to read as follows:

6107 ANTIQUE OR ART SHOW ON PUBLIC PROPERTY.

The temporary gathering of people for an antique or art show and sales event may be permitted in compliance with the following provisions:

- a. Location. An antique or art show and sales event may be permitted in any zone provided such event is held on property owned by or under the control of a public agency and which is held pursuant to a permit, license, or leave approved by the governing board of said public agency, which permit, license or lease contains specific authorization for said event. As used in this section, "public agency" includes counties, cities, municipal corporations, political subdivisions, public districts and other public agencies of the State of California.
- b. Duration. The period of operation of the antique or art show and sales event shall not exceed 3 consecutive days, and there shall be no more than six events per year.

Section 38. Section 6125 of the Zoning Ordinance is added to read as follows:

6125 COMMERCIAL FILMING

Temporary commercial motion picture production, television production (including commercials), still photography and related activities on public or private property (excluding public road rights-of-way), for occasional commercial filming on location, subject to the following:

- a. All commercial filming activities shall be conducted under the auspices of the San Diego Film Commission or successor agency. A Certificate of Insurance indemnifying the County of San Diego as an additional insured, shall be provided to the San Diego Film Commission.
- b. Prohibited activities:
 - i. Any filming activity that creates a substantial risk of injury to persons, damage to property or a significant degradation of the environment or that is contrary to the public health, safety or welfare, including but not limited to, disruption of emergency access to surrounding properties.
 - ii. Any filming activities that violate any applicable County codes including, but not limited to, the Grading Ordinance, Noise Ordinance or Resource Protection Ordinance.
- c. Limitations. On properties where commercial filming activities are the principal use of the property or structures, the use shall not be considered temporary and shall be subject to all applicable provisions of the Zoning Code.
- d. Exempted activities. The filming, videotaping or production of current news which includes reporters, photographers or cameramen employed by a newspaper, news service, broadcasting station or similar entity engaged in on-the-spot broadcasting of news events, or the filming or videotaping of motion pictures solely for private family use, shall be exempt from these provisions.

Section 39. Subsection h. of Section 6156 of the Zoning Ordinance is amended to read as follows:

- h. Barns and Agricultural Storage Buildings shall be limited as follows:
 - 1. In zones subject to a Residential Use Regulation (except RR Use Regulations requiring a 1 acre or larger lot area), and in the S88 Use Regulations where residential uses occur, a maximum floor area of 450 square feet and one story not to exceed 12 feet in height. Such buildings proposed in the S88 Use Regulations shall conform to the requirements of any applicable Specific Plan.

Buildings exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed 24 feet. When on same lot as a detached private garage, workshop and/or storage building, the combined area of all such structures shall not exceed 1,000 square feet or 25% of the living area of the principal residence, whichever is greater.
 - 2. In zones subject to the RR Use Regulations (requiring a one acre or larger lot area), A70, A72, S87 and S92 Use Regulations, barns and agricultural storage buildings shall be limited in height to one story not to exceed 12 feet. Buildings

exceeding 12 feet in height are permitted if the structure meets the main building setbacks, provided the height does not exceed ~~that permitted by Section 4620(e)~~ 24 feet. A maximum floor area of 1000 square feet is permitted where the lot is less than one acre gross. A maximum floor area of 1500 square feet is permitted where the lot is one acre but less than 2 acres gross, and 2000 square feet is permitted where the lot is 2 to 4 acres gross. An additional 200 square feet of floor area is permitted for each acre over 4 acres up to a maximum of 5000 square feet.

3. Additional area, height and story may be permitted by issuance of an Administrative Permit, with notice to contiguous property owners pursuant to Section 7060c. and findings pursuant to Section 7358, subsections a. 1, 3, 5, and 6. The Administrative Permit shall not authorize height/stories exceeding the height/story limit specified by the applicable height/story designator ~~or Section 4620(e)~~.

Section 40. Subsection m. of Section 6156 of the Zoning Ordinance is amended to read as follows:

- m. Home Occupations. Home occupations, including in-home offices, shall be permitted in compliance with the following conditions:
 1. There shall be no exterior evidence of the conduct of a home occupation.
 2. A home occupation shall be conducted entirely within a dwelling, or an attached garage.
 3. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.
 4. The residents of the dwelling unit, and no more than one non-resident employee, may be engaged in the home occupation.
 5. Limited indoor storage of goods or supplies (125 cubic feet maximum) may take place within no more than one room of the dwelling and/or in the attached garage (provided required parking on-site is maintained and properly located).
 6. There shall be no on-premise sale of goods. Occasional transport of goods from the premises for off-site sale may occur. Internet sales are not considered on-premise sale of goods.
 7. The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit or property involved.
 8. There shall be no signs identifying or advertising the home occupation other than those permitted by Section 6252(d) of this ordinance.

9. The required residential off-street parking shall be maintained.
10. A home occupation shall not create vehicular or pedestrian traffic in excess of that which is normal for the zone in which it is located.
11. No more than six non-resident students at one time, and no more than 18 students during any one (1) day may be given tutoring in music, academics, dance, sports (such as swimming or tennis, notwithstanding subsection 1 and 2 above), or other subjects at a residence. No students may be given instruction between the hours of 9:00 p.m. and 8:00 a.m. All provisions of Noise Abatement and Control, Section 36.401 et seq. of the County Code, shall apply.

Section 41. Subsection u. of Section 6252 of the Zoning Ordinance is amended to read as follows:

- u. One sign less than or equal to 12 square feet in area for an allowed roadside sales stand, wholesale nursery, Small Winery or Boutique Winery identifying and advertising agricultural products produced on the premises.

Section 42. Section 6552 of the Zoning Ordinance related to Extractive Uses is amended to read as follows:

6552 APPLICATION.

The Extractive Use Regulations shall apply in all zones permitting activities for the extraction of any naturally occurring chemical element or compound, or groups of elements and compounds, including but not limited to coal, peat, sand, and gravel but excluding geothermal resources, natural gas, and petroleum. Such zones also permit on-site processing and production of non-metallic mineral products, and recycling of used concrete, asphalt or rock, where sited with the following non-metallic mineral processing operations: rock crushing, asphalt pavement production, and concrete batching. ~~Such recycling is not permitted where sand processing is the only processing use occurring.~~

Section 43. Section 6557 of the Zoning Ordinance is amended to read as follows:

6557 EXCEPTIONS TO USE REGULATIONS

The Extractive Use Regulations shall not apply to the removal of soil, sand, gravel, decomposed granite or rock under any of the following circumstances:

- a. The removal is part of the grading of land done in accordance with a grading plan for a subdivision map or a division of such land created pursuant to a parcel map filed in accordance with Division 2 of Title 8 of the San Diego County Code, and the grading plan has been approved by the Director of Public Works as being reasonably necessary and incidental to the development and improvement of the premises in accordance with the final map or parcel map and the grading will be completed within one year of commencement of the grading.

- b. The removal is part of the grading of land in accordance with a grading plan to prepare a site for a building or structure for which plans have been checked and approved by the Director pursuant to Division 1 of Title 5 of the San Diego County Code, and the grading plan has been approved by the Director of Public Works or Director as being reasonably necessary and incidental to the construction of such building or structure, and the grading will be completed within one year of commencement of the grading.
- c. The removal is part of the grading of land in accordance with a grading plan to prepare a site for vehicle parking areas or similar areas, and the grading plan has been approved by the Director of Public Works or Director as being reasonably necessary and incidental to the development of the area.
- d. The removal is part of the grading of land in accordance with a grading plan approved by the Director as being reasonably necessary and incidental to the use of the premises in accordance with a use permit issued pursuant to the Zoning Ordinance.
- e. Less than 200 cubic yards will be removed.
- ~~f. The Director of Public Works and Director concur that the proposed grading is reasonably necessary to provide material exclusively for a specific County project authorized by the Board of Supervisors. That determination shall be made only after the Director of Public Works and Director have reviewed grading plans for the site from which the material is to be removed, grading plans or public road improvement plans for the site where that material is to be placed, and any contracts or agreements executed by the County for such grading.~~
- gf. To extract and export from a watercourse ~~500~~200 or more cubic yards to repair flood damage to the watercourse in accordance with San Diego County Code, section 87.601 et seq. for which an emergency watercourse grading permit is issued by the Director of Public Works or the Board of Supervisors.
- hg. During the grading of land to prepare a site for development pursuant to an Administrative Permit approved by the Director, provided:
 - 1. The legal lot from which the material is removed is in a commercial or industrial zone;
 - 2. The sale of any material removed is secondary to the preparation of the site;
 - 3. The on-site processing of any material to be removed is prohibited;
 - 4. The removal and grading is done in accordance with an approved grading plan; and
 - 5. The removal and grading will not have a significant detrimental effect on the site or surrounding area.

Section 44. Section 6708 of the Zoning Ordinance is amended to read as follows:

6708 PERMITTED FENCES, WALLS, GATES AND ENTRY STRUCTURES.

No fence, wall, gate or entry structure shall be permitted unless it conforms to the criteria set forth below, except that the Board of Supervisors, the Planning Commission, or the Director, as a condition of approval of a matter under their jurisdiction, may require that a fence, wall or entry structure be constructed to a height greater than otherwise permitted by this section in order to mitigate against potential adverse effects.

- a. **Solid Fences and Walls.** Solid fences and walls are permitted at the following locations provided they conform to the height limitations shown below. An exception to the height limitations may be granted in accordance with Sections 6708h or 6708i.
 1. **Main Building Area.** Permitted up to the maximum height applicable to the main building.
 2. **Front or Exterior Side Yard.** Permitted up to a maximum height of 42 inches.
 3. **Rear or Interior Side Yards.** Permitted up to a maximum height of 72 inches.
- b. **Open Fences and Walls.** Open fences and walls are permitted at the following locations provided they conform to the material specifications and height limitations shown below. An exception to the material specifications or the height limitations may be granted in accordance with Section 6708h. An exception to the height limitations may also be granted in accordance with Section 6708i.
 1. **Main Building Area.** Permitted up to the maximum height applicable to the main building.
 2. **Front or Exterior Side Yard.** Permitted up to a maximum height of 42 inches, except as follows:

On lots of one (1) gross acre or larger in size in the A70, A72, RR, S82, S88, S90 and S92 Use Regulations, open fences consisting of woven or barbed wire, wrought iron, pipe corral, or rails may be 72 inches high. Posts, pilasters or other support elements for such fences or walls shall not exceed 24 inches in any horizontal measurement, shall be spaced a minimum of 8 feet apart (edge to edge), and shall not exceed a height of 72 inches. Razor wire, and barbed wire attached to supports constructed at an angle to the vertical, are permitted only as a security measure for the purpose of protecting high-value agricultural uses, or commercial or industrial uses.
 3. **Rear or Interior Side Yards.** Permitted up to a maximum height of 72 inches.
- c. **Tennis Court Fencing and Lighting.** Tennis court fencing and lighting standards exceeding the height otherwise allowed by this Section, but not greater than twenty (20) feet in height, may be permitted on lots of one (1) gross acre or larger in size upon granting an exception in accordance with Section 6708h.

- d. Gates and Gate Entry Structures on Individual Lots or Building Sites. Gates, not exceeding 12 feet in height, and gate entry structures on individual lots or building sites are permitted. Gate entry structures on individual lots or building sites shall meet the criteria shown below. An exception to these criteria may be granted in accordance with Section 6708h. Where the County Fire Code and Local Fire District Ordinances require additional restrictions; the most restrictive requirements shall apply.
 1. Main Building Area. Permitted up to the maximum height applicable to the main building.
 2. Front, Rear, Interior or Exterior Side Yard. Permitted, provided no higher than 12 feet and located a minimum of 10 feet from the nearest edge of any public road right-of-way or private road easement which intersects the access to the gate entry structure. Support elements designed as entry structures on either side of a fence opening that provides vehicular access may extend a horizontal distance of not more than 15 feet on both sides of the opening and may not exceed 12 feet in height for more than a distance of 6 feet on either side of the opening. Such entry structures may incorporate a gate house not exceeding 12 feet in height, but may not bridge the entryway unless an exception is granted in accordance with Section 6708h.
 3. For Fire Protection Access, gate entry structures shall provide a minimum vertical clearance of 13 feet, 6 inches for vehicles. (Note: The County Fire Code and Local Fire District Ordinances regulate entry gates or other obstructions across fire access roadways and driveways. Gate entry structures fall under the County Fire Code and must be reviewed by the appropriate Fire Agency.)
- e. Gates and Gate Entry Structures Across Private Road Easements. Gates not exceeding 12 feet in height, and gate entry structures across private road easements are permitted. Gate entry structures on private road easements shall meet the criteria shown below. An exception to these criteria may be granted in accordance with Section 6708h.
 1. Gate entry structures shall not exceed a height of 12 feet; and
 2. Gate entry structures shall be located at least 50 feet from any road right-of-way or road easement which intersects the gated access; and
 3. Gate entry structures shall not extend a horizontal distance of more than 15 feet on either side of the gate opening and may not exceed 12 feet in height for more than a distance of 6 feet on either side of the opening.
 4. For Fire Protection Access, gate entry structures shall provide a minimum vertical clearance of 13 feet, 6 inches for vehicles. (Note: The County Fire Code and Local Fire District Ordinances regulate entry gates or other obstructions across fire access roadways and driveways. Gate entry structures fall under the County Fire Code and must be reviewed by the appropriate Fire Agency.)
 5. Prior to issuance of a building permit, written consent shall be obtained for the gate or gate entry structure, and submitted to the Department (on a form satisfactory to

the Department), from all owners of property with access rights across the private road easement upon which the gate is to be installed.

- f. Lighting. Lights and/or decorative fixtures may be placed on the top of pilasters or fence posts on both sides of each entry, at property corners, and elsewhere along a fence or wall spaced a minimum of 40 feet apart. Such fixtures may extend 12 inches above the top of the supporting post or they may extend up to a height equal to the width of a supporting pilaster (or post), to a maximum of 24 inches, whichever is greater. Such lighting shall conform to the provisions of subsections a., b. and c. of Section 6324 (LIGHTING PERMITTED IN REQUIRED YARDS). Exceptions to these criteria may be granted in accordance with Section 6708h.
- g. Fences and Walls Which Confine Animals. The location of fences and walls which confine animals shall conform to the Animal Regulations commencing at Section 3000.
- h. Exceptions.
 - 1. Fences, Walls and Gate Entry Structures on Individual Lots. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for fences (including tennis court fences and light standards), walls and gate entry structures on individual lots. The Administrative Permit Procedure at Section 7050 through Section 7099 shall apply. Notice of the administrative permit application shall be given to all property owners within a distance of 300 feet from the applicant's property. The Director may approve said administrative permit provided the following findings are made:
 - i. The structure will be compatible with the community character and will not ~~have a harmful effect upon~~ be detrimental to the health, safety or general welfare of the surrounding properties or the neighborhood; and
 - ii. The structure will not interfere with traffic circulation, create a safety hazard or obstruct future road widening.
 - 2. Gate Entry Structures and Gate Houses on Private Easements. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for gate entry structures and gate houses on a private easement. The applicant shall provide notice materials in accordance with Section 7060c. in order to notify all property owners having legal access to the easement upon which the gate entry structure or gate house will be located. The Director may approve said administrative permit provided the following findings are made:
 - i. The structure will be compatible with the community character and will not have a harmful effect upon the neighborhood; and
 - ii. The structure will not be detrimental to the health, safety or general welfare of the surrounding properties or improvements.

3. Lighting. The Director may approve an administrative permit granting an exception to the applicable criteria otherwise specified in this Section for lighting provided a finding is made that said lighting will be compatible with the community character and will not have a harmful effect upon the neighborhood.
- i. Administrative Exceptions for Additional Fence or Wall Height. An administrative exception for fence heights up to 7 feet 6 inches in interior side yard setbacks or in rear yard setbacks not abutting a street, private thoroughfare, or alley, may be granted provided the following requirements are met:
 1. Written consent is obtained for the proposed additional fence height, and submitted to the Department (on a form satisfactory to the Department), from all owners of contiguous property (including owners of parcels or lots across any street or alley from the site proposed for fencing).
 2. An application form shall be submitted and a processing/record-keeping fee shall be collected at the time an administrative exception for additional fence height is requested, pursuant to the fee referenced in Section 7602.

Any decision by the Director pursuant to this section shall be final.
 - j. Open Fences With Razor Wire or Barbed Wire at Top - Calculation of Fence Height. Where open fences 72 inches in height or greater are permitted, razor wire and barbed wire attached to support elements extending from the top of an open fence at an angle from the vertical are permitted except where said razor wire and barbed wire are not permitted in Subsection b.2. of this Section. The portion of the fence consisting of razor wire or barbed wire attached to support elements extending from the top of an open fence at an angle from the vertical, shall not be used in calculating the height of such a fence provided the vertical height of said razor wire and/or barbed wire shall not exceed 2 feet.

Section 45. Section 6714 of the Zoning Ordinance is amended to read as follows:

6714 REQUIRED LANDSCAPING.

In all zones, properties shall be landscaped and maintained in accordance with the provisions of the County Code sections 86.701 et seq. and the conditions of any applicable discretionary permit. The following landscaping shall also be required:

- a. M50 and M52 Use Regulations. In all zones subject to M50 and M52 Use Regulations, a landscaped strip at least 10 feet wide shall be established in every front yard; and a landscaped strip at least 5 feet wide shall be established in every exterior side yard, and in every interior side yard and rear yard adjacent to each public place, and adjacent to all abutting property in any residential zone, except for necessary ways of ingress and egress. The landscape strips shall include dense view-obscuring screening at least 6 feet in height in side or rear yard landscape strips, and 42 inches high in front yard landscape strips. The landscape strips shall be subject to the requirements of San Diego County Code sections 86.701 et seq.

- b. Mobilehomes Parks and Planned Developments With Mobilehomes. In a mobilehome park developed pursuant to the Mobilehome Park Regulations commencing at Section 6500 or a planned development contained mobilehomes developed pursuant to the Planned Development Regulations commencing at Section 6600, all areas not used for permitted main or accessory buildings, interior access drives, pedestrian circulation, and service areas shall be completely and permanently landscaped and maintained in accordance with the provisions of San Diego County Code sections 86.701 et seq. and the conditions of the applicable use permit. The mobilehome park or planned development containing mobilehomes shall relate harmoniously to the topography of the site, and where feasible make suitable provisions for preservation of water courses, wooded areas, rough terrain and similar natural features and areas, and shall otherwise be so designed as to use such natural features and amenities to best advantage.
- c. Commercial Activities in Residential Zones. In all residential zones the required front and exterior side yards of lots or parcels on which commercial use types are conducted shall be landscaped in accordance with the provisions of sections 86.701 et seq. of the County Code.

Section 46. Section 6793 of the Zoning Ordinance is amended to read as follows:

6793 **DESIGN STANDARDS FOR OFF-STREET PARKING.**

Parking spaces and areas shall meet the following design and improvement standards:

- a. Surfacing. All parking spaces or areas, loading spaces and driveways serving them shall be hard surfaced in accordance with the specifications set forth in the design manual. The type of surfacing for proposed parking spaces and driveways shall be indicated on all plot plans which accompany building construction plans.
- b. Landscaping. Except in zones subject to the C37, C38, C40, M54, M58, S80, S82, S87, S88, S90, S92, and S94 Use Regulations, an area at least equal to 5 percent of the area of any parking area shall be landscaped in conformance to the requirements of Paragraph "c" of this Section and Section 6742 in accordance with the provisions of sections 86.701 et seq. of the County Code.
- c. Design Manual. The design, dimensions, construction, landscaping, and surfacing of parking and bicycle spaces, driveways and other areas shall conform to the requirements of the Offstreet Parking Design Manual. The Director may administratively waive or modify one or more such requirements when practical difficulties make their strict application infeasible, and upon a finding that the waiver or modification is consistent with the purpose and intent of the Offstreet Parking Design Manual and this section. The Director shall submit any amendments to the design manual to the Planning Commission for its review and comment prior to transmitting them to the Board of Supervisors.

Section 47. Section 6850 of the Zoning Ordinance is amended to read as follows:

6850 TITLE AND PURPOSE.

The provisions of Section 6850 through Section 6899, inclusive, shall be known as the Nonconformity Regulations. The purpose of these regulations is to control, ameliorate, or terminate uses which do not conform to the Zoning Ordinance. These regulations shall apply to all nonconforming uses and structures, except that nonconforming off-premise signs shall be subject to the Off-Premise Sign Regulations commencing at Section 6200; nonconforming on-premise signs shall be subject to the On-Premise Sign Regulations commencing at Section 6250, and substandard lots shall be subject to the Lot Size Regulations commencing at Section ~~4300~~ 4200.

Section 48. Section 6852 of the Zoning Ordinance is amended to read as follows:

6852 RIGHT TO CONTINUE A NONCONFORMITY.

A nonconformity which is in existence prior to the effective date of the Zoning Ordinance or of any subsequent rezoning or other amendment thereto which creates such use or structure nonconformity, may be continued and maintained, except as otherwise specified in these Nonconformity Regulations. No expansion, extension, substitution or other change in activities and no alteration or other change in facilities is permitted except as expressly required by law or as expressly provided herein.

Section 49. Section 6932 of the Zoning Ordinance is repealed.

~~**6932 DRUG PARAPHERNALIA ESTABLISHMENTS.**~~

- ~~a. Intent. It is the purpose of this Section to establish reasonable and uniform regulation to prevent the concentration of drug paraphernalia establishments as defined herein, within the unincorporated area of San Diego County. It is the intent of this Section that the regulation be utilized to prevent problems of crime, blight and deterioration which accompany and are brought about by the concentration of drug paraphernalia establishments.~~
- ~~b. Permit Required; Standards for Location. No person shall cause or permit the establishment or substantial enlargement of any drug paraphernalia establishment without first obtaining an Administrative Permit therefore pursuant to the Administrative Permit Procedure from the Director, who shall be the administering agency. An application for such permit may be made where authorized by the applicable use regulations and shall be acted upon in accordance with the following standards for location: No such establishment shall be permitted within 1,000 feet of another such business or within 600 feet of any church, school, public playground, park or recreational area.~~
- ~~c. Measure of Distance. Distance, without regard to intervening structures, shall be:~~
 - ~~1. A straight line measured from the closest exterior structural wall of any two drug paraphernalia establishments.~~

2. ~~A straight line measured from the closest exterior structural wall of the drug paraphernalia establishment to the closest property line of a church, school, public playground, park or recreational area.~~
- d. ~~As used in this section, "Establishing a Drug Paraphernalia Establishment" shall mean:~~
 1. ~~The opening or commencement of any such establishment as a new establishment; or~~
 2. ~~The relocation of any such establishment.~~

Section 50. Section 6975 of the Zoning Ordinance is amended to read as follows:

6975 RECYCLING PROCESSING FACILITY.

The Recycling Processing Facility Use Type (as defined at Section 1513) is a permitted use in the specified ~~zones~~Use Regulations when conducted in accordance with the following:

- a. Recycling Processing Facility, Light
 1. In a Commercial or Industrial ~~Zone~~Use Regulation upon meeting the criteria set forth in this section commencing at subsection a.2. below;
 2. All operations shall be conducted entirely within an enclosed building except as follows:
 - i. In the C37, C38 and C40 Commercial ~~Zones~~Use Regulations and the M54 and M58 Industrial ~~Zones~~Use Regulations, a light recycling processing facility may be conducted outside of buildings if the property on which the facility is located does not abut a property zoned or planned for residential use.
 - ii. Notwithstanding the Enclosure Regulations, in any other Commercial or Industrial ~~Zone~~Use Regulation, a Minor Use Permit may be granted for an alternative type of enclosure such as a wall or view-obscuring fence not less than 8 feet in height and landscaped on all street frontages;
 3. Power-driven processing shall be permitted, provided all requirements of the Performance Standards commencing at Section 6300 are met;
 4. A light processing facility shall be no larger than 45,000 square feet and shall have no more than an average of 2 outbound truck shipments of material per day;
 5. Setbacks and landscaping requirements shall be those required by the zone in which the facility is located;
 6. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized. Storage containers for flammable material shall be constructed of

non-flammable material. Oil storage must be in containers approved by the Local fire and/or Health Official. No storage, excluding truck trailers and overseas containers, shall be visible above the height of the fencing;

7. Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present;
8. Space shall be provided on the site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of 10 customers or the peak load, whichever is higher, except where the Director determines that allowing overflow traffic is compatible with surrounding businesses and public safety;
9. One parking space shall be provided for each commercial vehicle operated by the processing center.
10. Noise levels shall not exceed 60 dBA as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed the following:

70 dBA in any Commercial ~~Zone~~Use Regulation (Except C31)

55 dBA in the C31 ~~Zone~~Use Regulation

75 dBA in the M54 and M58 ~~Zones~~Use Regulations;
11. If the facility is located within 500 feet of property zoned or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be attended by on-site personnel during the hours the facility is open;
12. Any containers provided for after-hours donation of recyclable materials shall be at least 50 feet from any property zoned or occupied for residential use; shall be of sturdy, rustproof construction; shall have sufficient capacity to accommodate materials collected; and shall be secure from unauthorized entry or removal of materials;
13. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. Facility shall display a notice stating that no material shall be left outside the recycling containers;
14. Signs shall comply with the On-Premise Sign Regulations. In addition, facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation;
15. Air contaminants including but not limited to smoke, charred paper, dust, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any emissions that endanger human health, cause damage to vegetation or property

or cause soiling, vibration or noise above levels allowed by the Performance Standards commencing at Section 6300, shall not be permitted.

b. Recycling Processing Facility, Heavy

1. In a C37, C38 or C40 Commercial ~~Zone~~Use Regulation or M54 or M58 Industrial ~~Zone~~Use Regulation upon meeting the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2.;
2. In any other Commercial or Industrial ~~Zone~~Use Regulation upon the issuance of a Major Use Permit. The conditions of said Major Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2. as well as any others necessary in order to make the findings required for the granting of a Major Use Permit.

c. Recycling Processing Facility, Wood and Green Materials

1. A facility devoted exclusively to the processing (not including composting) of wood and green materials is considered a General Industrial Use Type, and as such, shall be conducted in accordance with the regulations applicable to said Use Type except that a Wood and Green Materials Recycling Processing Facility may be permitted in an Agricultural or Special Purpose ~~Zone~~Use Regulation upon issuance of a Minor Use Permit. The conditions of said Minor Use Permit shall require compliance with the criteria for a light recycling processing facility as set forth above in this section commencing at subsection a.2., except for the requirement that the operations be conducted entirely within an enclosed building; except for the requirements of subsection a.4 relating to size and scope of operation; subsection a.6. relating to storage within containers; and, subsection a.10. relating to noise level limits. The conditions of the Minor Use Permit shall address the above-mentioned requirements as well as any others necessary in order to make the findings required for the granting of a Minor Use Permit. Said Minor Use Permit may include composting of wood and/or green waste provided the conditions relating to composting are satisfactory to the Director of the Department of Public Works.

Section 51. Section 7019 of the Zoning Ordinance is amended to read as follows:

7019 PERMITS AND APPROVALS TO BE RECORDED AND PROVIDE
CONSTRUCTIVE NOTICE

When the approval of any Administrative Permit, Density Bonus Permit, Variance, Site Plan, ~~or Use Permit or Reclamation Plan~~, or a modification to ~~or minor deviation from~~ any of the foregoing, has become final and effective, the Director shall cause a copy thereof to be filed with the San Diego County Recorder. The document to be recorded shall set forth the names of all owners of the property subject to the Administrative Permit, Density Bonus Permit, Variance, Site Plan, ~~or Use Permit, or Reclamation Plan~~. The recorded document shall provide constructive notice to all purchasers, transferees, or other successors to the interests of the

owners named, of the rights and obligations created by the Administrative Permit, Density Bonus Permit, Variance, Site Plan, ~~or~~ Use Permit or Reclamation Plan.

Section 52. Section 7100 of the Zoning Ordinance is amended to read as follows:

7100 INTENT AND PURPOSE.

The provisions of Section 7100 through Section 7149, inclusive, shall be known as the Variance Procedure. A Variance may be granted when practical difficulties, unnecessary hardship or results inconsistent with the general purposes of the Zoning Ordinance would result from the literal enforcement of its requirements. A Variance may be granted to allow the following:

- a. Animal Enclosure Setbacks. A modification of animal enclosure setbacks as set forth in Section 3112;
- b. Development Regulations. A modification of the Development Regulations commencing with Section 4000 except for the Density Regulations commencing with Section 4100, except the Lot Area Regulations commencing with Section 4200, except for the Building Type Regulations commencing with Section 4300, and except for the Height Regulations commencing with Section 4600 on properties subject to the R and S Special Area Regulations in the Coastal Zone;
- c. Coastal Development Area Regulations. Repealed.
- d. Selected General Regulations. A modification of the Fencing and ~~Landscaping~~ Screening Regulations, the Off-Street Parking and Loading Regulations and the provisions of the Nonconforming Use Regulations dealing with the expansion, extension, alteration, or relocation of nonconforming buildings; and,
- e. Other Regulations. A modification of other regulations in the Zoning Ordinance provided that such regulations expressly provide for the granting of a Variance.

A Variance shall not be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and subject to the same regulations; nor shall a Variance be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the regulations governing the property.

Section 53. Section 7104 of the Zoning Ordinance is amended to read as follows:

7104 APPLICATION FOR THE GRANTING OF A VARIANCE.

An application for the granting of a Variance shall be made as follows:

- a. Persons Eligible. The following persons shall be eligible to apply for the granting of a Variance:
 - 1. A property owner, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.

2. A lessee, in which case the application shall be signed by all property owner(s) or agent(s), as provided in Section 7017.
 3. A person authorized to exercise the power of eminent domain.
- b. Required Documents. The application shall be accompanied by the following documents:
1. A list of names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved. If any person identified pursuant to this provisions is a corporation or partnership, the names of all persons owning more than 10 percent of the shares in the corporation or owning any partnership interest in the partnership shall be listed. If any person identified pursuant to ~~this~~these provisions is a non-profit organization or trust, the names of all persons serving as directors of the non-profit organization or as beneficiaries, trustees and trustors of the trust shall be listed.
 2. Complete plans and description of the property involved and the proposed Variance.
 3. Satisfactory evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with requested variance within 6 months after it is granted.
 4. The appropriate Environmental Impact Review document, as provided by Section 7610.
- c. Application Form, Filing and Fee. The application shall be made on the prescribed form and shall be filed with whomever has jurisdiction as provided by Section 7102, and shall be accompanied by the fee referenced in Section 7602.

Section 54. Section 7106 of the Zoning Ordinance is amended to read as follows:

7106 HEARING AND NOTICE NOT REQUIRED.

The Director may, without hearing or notice, grant a regular Variance meeting all other requirements of The Zoning Ordinance and the following additional requirements:

- a. Maximum Reduction. The requested Variance shall not exceed ~~a 25 percent reduction in the applicable minimum lot size regulations,~~ a 50 percent reduction in the applicable setback regulations, as measured from property line, or street line, and a 75 percent increase in the applicable fence height requirements.
- b. Consent of Adjacent Property Owners. The application for the requested Variance shall include written consent to the granting of the requested Variance signed by the owner or owners of each lot or parcel adjoining the site of the proposed building or structure and the owner or owners of land across any street or alley from such site.

- c. Reapplication. In the event the Director declines to grant a regular Variance requested pursuant to this Section, the applicant may, within 60 days after applying for such Variance, request that the Variance be scheduled for public hearing in accordance with Sections 7104 and 7105. The applicant shall pay an additional fee in an amount consisting of the difference between the fee specified in Section 7104 and that already paid.

Section 55. Section 7156 of the Zoning Ordinance is amended to read as follows:

7156 WAIVER OF SITE PLAN.

- a. The Director may waive the requirement for a Site Plan if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit; or
- b. Where the Director finds the proposed development or improvement is minor in nature and the public purpose for which the Site Plan would normally be required will not be harmed by waiver of said requirement. For purposes of this subsection, "minor in nature" may mean the proposed improvement is not visible from any street; there is no active code enforcement action on the property; no additional parking spaces will be required by the proposed improvements; an addition not exceeding 500 square feet in area; the replacement of an existing permitted sign(s) (like for like, and no increase in sign area); replacement of windows/doors; re-stucco, re-roof or minor improvements to the façade of an existing permitted building(s); or other similar improvements. This shall be determined on a case-by-case basis.

The Director may forward a waiver request to the applicable Community Planning or Sponsor Group for a recommendation prior to granting a waiver request.

This subsection "b" shall not apply to land falling within the coastal zone, as defined by the California Coastal Act of 1976.

- c. Waiver of a Site Plan does not constitute a waiver of any other requirement of this Zoning Ordinance or any other law, ordinance or other regulation applicable to the project.

No building permit shall be issued for a project for which the Site Plan requirement has been waived except pursuant to plans bearing the Director's stamp granting such waiver. No deviation from aspects of such plans pertinent to the purposes for which a Site Plan review would otherwise have been required shall be permitted without prior approval of the Director.

This Section shall not apply to those Site Plans required by a special area regulations designator where there are specific waiver criteria established under the special area regulations designator sections.

Section 56. Section 7166 of the Zoning Ordinance is amended to read as follows:

7166 APPEAL.

A decision of the Director pursuant to Section 7162, 7169 or 7172 may be appealed as follows:

- a. Persons Eligible. The following persons shall be eligible to file an appeal:
 1. A person having an interest in the property that is the subject of the decision being appealed (hereinafter subject property).
 2. A person having an interest in property located within 300 feet of the exterior boundaries of the subject property.
 3. A person not having an interest in property located within 300 feet from exterior boundaries of the subject property, who after written petition to the Planning Commission, filed within 10 days of the date on which the decision being appealed was rendered, receives permission to file an appeal. The decision of the Planning Commission on a petition requesting permission to appeal shall be made without hearing and shall be final.
 4. A County Officer, Board, Commission, or other County body other than the authority having jurisdiction over the appeal. County citizen advisory groups authorized to review Site Plans for the Community Design Review ("B" Designator), the Design Review Area ("D" Designator), the Historic/ Archaeological Landmark or District ("H" Designator), and the Specific Historic District ("J" Designator), Special Area Regulations shall only be eligible to file appeals involving those Site Plan applications over which they have review jurisdiction.
- b. Timeliness. An appeal ~~of application for permission to appeal~~, shall be filed within 10 days of the date on which the decision being appealed was rendered, or within 10 days of the date of Planning Commission permission to file an appeal under Section 7166 a.3.
- c. Form, Filing and Fee. An appeal shall be in writing accompanied by the fee prescribed pursuant to Section 7602, and shall be filed in the office of the Director.
- d. Effect of Filing and Appeal. An appeal of a decision, ~~or application for permission to appeal~~, within the time specified in paragraph "b" of this Section shall stay the proceedings in furtherance of the decision appealed and no building permit, or other permit shall be issued until such time as the appeal has been acted on as set forth in this Section.
- e. Forwarding of Record. On the filing of an appeal, the Director shall transfer to the Secretary of the Planning Commission the subject documents and papers on file pertinent to the decision, together with a report of the decision.
- f. Public Hearing. The Planning Commission shall hold a public hearing on the appeal, scheduled and noticed as required by Section 7603 and 7605, respectively.

- g. **Decision and Notice.** Following the hearing on an appeal, the Planning Commission may sustain the decision of the Director; or may approve or modify the site plan subject to specified conditions it imposes pursuant to Section 7164; or may revoke or deny the Site Plan, as is appropriate. The Planning Commission shall adopt findings which specify all facts relied upon it in reaching its decision and their relation to the requirements of Section 7160, and which state the reasons for any conditions imposed by it; provided, however, findings shall be deemed waived unless expressly requested in writing by the applicant or appellant at the time of the hearing on the appeal and prior to decision by the authority. Notice of the decision of the authority together with a copy of any findings adopted by said authority shall be mailed to the appellant and applicant, or to both if they are different parties, and a copy thereof shall be attached to the file in the manner and said file returned to the Director.
- h. **Effective Date.** The decision of the Planning Commission shall be final and effective immediately except as follows:
 - 1. The decision on a Site Plan filed as a requirement of a Specific Plan may be appealed to the Board of Supervisors in the same manner as a decision of the Planning Commission on a Major Use Permit is appealed.
 - 2. When the Director's decision and the decision of the Planning Commission are not the same, a Site Plan filed as a requirement of a Specific Plan shall be forwarded to the Board of Supervisors for final action.
 - 3. Where an appeal of an environmental determination is filed, the procedures specified in Chapter 4 (commencing with Section 86.401 of Division 6 of Title 8 of the San Diego County Code shall be followed.

Section 57. Section 7201 of the Zoning Ordinance is amended to read as follows:

7201 APPLICATION.

An application for an Administrative Appeal shall be made as follows:

- a. **Persons Eligible.** The following persons shall be eligible to file an administrative appeal:
 - 1. A person having an interest in the property that is the subject of the decision being appealed (hereinafter subject property).
 - 2. A person having an interest in property located within 300 feet of the exterior boundaries of the subject property.
 - 3. A person not having an interest in property located within 300 feet from the exterior boundaries of the subject property, who after written petition request to the Planning Commission, filed within 10 days of the date on which the decision being appealed was rendered, receives permission to file an appeal. The decision of the Planning Commission on a petition requesting for permission to appeal shall be made without hearing and shall be final.

4. A County Officer, Board, Commission, or other County body other than the authority having jurisdiction over the appeal.
- b. Timeliness. An Administrative Appeal, ~~or a written request for permission to appeal pursuant to Section 7201.a.3,~~ shall be filed within 10 days of the date on which the decision being appealed was rendered or within 10 days of the date of Planning Commission permission to file an appeal under Section 7201.a.3.
- c. Required Documents. An appeal shall be accompanied by a document setting forth the grounds upon which the appellant asserts there was an error or abuse of discretion.
- d. Form, Filing, and Fee. An appeal of an administrative decision shall be made on the prescribed form and shall be filed with the Planning Commission, accompanied by the fee referenced in Section 7602.

Section 58. Section 7352 of the Zoning Ordinance is amended to read as follows:

7352 CLASSIFICATION OF USE PERMITS AND ORIGINAL JURISDICTION.

Use Permits shall be classified and original jurisdiction exercised over them as follows, except as otherwise provided in Sections 7376 and 7378:

- a. Major Use Permit. Applications for granting or modifying the conditions of a permit for one or more uses, structures or actions, any one of which requires a Major Use Permit, shall require Major Use Permits and shall be under the original jurisdiction of the Planning Commission, except that Major Use Permits which are not within the Current Urban Development Area as shown by the Regional Land Use Element and propose connection to the Rancho San Diego Interceptor sewer line shall be under the original jurisdiction of the Board of Supervisors with the Planning Commission making a report to the Board of Supervisors.
- b. Minor Use Permit. Application for granting or modifying the conditions of a permit for any use, structure, or action requiring a Minor Use Permit shall be under the original jurisdiction of the Director, except that applications for Minor Use Permits filed concurrently with tentative subdivision maps, reclassifications or Major Use Permits shall be under the jurisdiction of the body having jurisdiction over the tentative subdivision maps, reclassifications and Major Use Permits. Any use allowed by a Minor Use Permit may be allowed by a Major Use Permit.
- c. Concurrent Use Permit. ~~Applications for granting or modifying the conditions of a use permit filed concurrently with an application requesting amendment of the Zoning Ordinance applicable to the land which is the subject of the use permit application shall be under the original jurisdiction of the Planning Commission.~~ Applications for granting or modifying the conditions of a use permit filed concurrently with any other application under the original jurisdiction of the Board of Supervisors shall be under the original jurisdiction of the Board of Supervisors, and shall receive a recommendation from the Planning Commission prior to action by the Board of Supervisors.

Section 59. Section 7357 of the Zoning Ordinance is amended to read as follows:

7357 EFFECT OF USE PERMIT ON OTHER USE OF THE PROPERTY

The granting of a use permit does not limit or preclude the establishment or operation of any uses on the remainder of the lot(s) or parcel(s) outside the boundaries of the use permit as delineated pursuant to Section 7354.b.2. For the portion of the parcel covered by the use permit, no use shall be allowed within the use permit boundary other than those specified in the use permit except as specified in Section 6106 of the Zoning Ordinance. No additional uses, by right or conditionally permitted, shall be allowed within the use permit area without modification of the permit. If, subsequent to the granting of a use permit, the use(s) authorized thereby become permitted uses through a zoning amendment, or the holder of the use permit desires to terminate the use permit, the holder of the use permit may request, and the Director may approve, termination of the use permit. Upon such termination, the terms and conditions of the use permit shall no longer be applicable to that property or to the use thereof.

Section 60. Section 7374 of the Zoning Ordinance is amended to read as follows:

7374 EXPIRATION.

Each valid unrevoked and unexpired use permit shall expire and become null and void at the time specified in the permit. If no time is specified, then the use permit shall expire two years after granting unless construction and/or use of the property in reliance on the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376.

Notwithstanding the above, if the use permit is issued in conjunction with the approval of a subdivision map pursuant to the County Subdivision Ordinance, the use permit shall remain in full force and effect for the duration of the tentative approval for that subdivision map (including all extensions of that tentative map) and, if the subdivision map does not receive final approval, expire upon expiration of the tentative approval. If the subdivision map receives final approval, the use permit shall expire three years after recordation of the final or parcel map unless construction and/or use of the property in reliance of the permit has commenced prior to its expiration; provided, however, that the period within which such construction and/or use must be commenced may be extended as provided by Section 7376 and provided further, that construction complies with zoning regulations in effect at the time of construction.

Section 61. Section 7506 of the Zoning Ordinance is amended to read as follows:

7506 PLANNING COMMISSION ACTION.

- a. Public Hearing. Upon the initiation of a request to amend The Zoning Ordinance pursuant to Section 7503, the Planning Commission shall hold a public hearing in all cases where they are required to do so by the California Government Code. In other cases, the Planning Commission may hold such public hearings as it deems appropriate. Public hearing shall be scheduled and noticed as required by Sections 7603 and 7605, respectively.

- b. Commission Recommendation. Following the public hearings on a requested amendment, or if no hearing is held, within 40 days from the date of the request, the Planning Commission shall render its decision in the form of a written recommendation to the Board of Supervisors. This recommendation shall include the reasons for the recommendation and the relationship of the requested amendment to the San Diego County General Plan.
- c. Notice of Recommendation. The recommendation of the Planning Commission shall be transmitted to the party requesting the amendment of the Zoning Ordinance.
- d. ~~Appeal of Unfavorable Recommendation. A recommendation by the Planning Commission on an amendment request, which proposes to change property from one zone to another and which recommends that the request be denied and makes no alternative recommendation, may be appealed by written application to the Board of Supervisors within 40 days after the Planning Commission transmits its recommendation to the Board.~~

Section 62. Section 7507 of the Zoning Ordinance is amended to read as follows:

7507 BOARD OF SUPERVISORS ACTION.

- a. Public Hearing. Upon receipt of the recommendation of the Planning Commission, the Board of Supervisors shall hold a public hearing on the requested amendment; ~~provided, however, that if the requested amendment to the Zoning Ordinance proposes to change property from one zone classification to another and the Planning Commission has recommended denial of the request, the Board shall not be required to take any further action unless the recommendation of the Planning Commission has been appealed as provided by Section 7506.d.~~ Public hearings held pursuant to this section shall be scheduled and noticed as required by Sections 7603 and 7605, respectively.
- b. Decision. Following the public hearing on an amendment request, the Board of Supervisors may order the adoption of the requested amendment, deny the requested amendment, or order the adoption of the requested amendment with modifications; provided that any modification of the requested amendment not previously considered by the Planning Commission shall be first referred to the Planning Commission for report and recommendation, but the Commission shall not be required to hold a public hearing thereon. The decision of the Board of Supervisors on a request to amend the Zoning Ordinance shall be final and conclusive.
- c. Notice of Decision of Board of Supervisors. Within 10 days following a decision by the Board of Supervisor ordering the adoption of the requested amendment, denying the requested amendment, or ordering the adoption of the requested amendment with modifications, the Clerk of the Board shall give notice of the decision to the party requesting amendment of the Zoning Ordinance.
- d. No Decision by Board of Supervisors. Whenever the Board of Supervisors takes no action on a request to amend the Zoning Ordinance because a motion on the item failed

to carry by the required affirmative vote, the Clerk of the Board of Supervisors shall set the matter for a noticed public hearing de novo if such hearing is requested by the Board of Supervisors. Such a request must be made within 30 days of the date on which the motion failed to carry. If no request is made within this period, the request for amendment of the Zoning Ordinance shall be deemed denied.

Section 63. Section 7600 of the Zoning Ordinance is amended to read as follows:

SUPPLEMENTARY ADMINISTRATIVE PROCEDURES

7600 TITLE AND PURPOSE.

The provisions of Section 7600 through 7649, inclusive, shall be known as the Supplementary Administrative Procedures. The purpose of these provisions is to provide additional procedures for the administration of amendments of the Zoning Ordinance, Variances, Use Permits, Site Plans, Planned Development Permits, and Administrative Appeals.

Section 64. Section 7603 of the Zoning Ordinance is amended to read as follows:

7603 PUBLIC HEARINGS - SCHEDULING.

Public hearings required by The Zoning Ordinance shall be scheduled as follows:

- a. Hearings before the Zoning Administrator, or Planning Commission shall be scheduled by the Director for a date not less than 10 days but not more than 90 days from the date that an application is determined to be complete. However, if an Environmental Impact Report is required, such hearings shall be scheduled for a date not more than one year from the date that an application is determined to be complete. The Director may, with the consent of the applicant, extend this one year or 90 day period one time for a period of time not to exceed 90 additional days.
- b. Hearings before the Board of Supervisors shall be scheduled by the Clerk of the Board of Supervisors for a date not less than 10 days but not more than ~~90~~120 days from the date specified below:
 1. Appeals. Where an application is brought before the Board on appeal, the above time period shall commence upon the filing of the appeal.
 2. Other Cases. Where the Board has sole jurisdiction to approve an application, the above time period shall commence upon the latter of either the date the application was determined to be complete, or the date a recommendation is made on the application by any San Diego County authority whose recommendation is required by law.

In the event that a required hearing cannot be held within said ~~90~~120 days, the Director shall inform the Board as to the reasons for such delay.

A hearing may be delayed when the deposit account for a project is in deficit. The hearing will be scheduled once adequate funds are deposited by the applicant.

Any failure to hold a hearing within the time specified shall not affect the validity of any decision reached as the result of such hearing.

Section 65. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.